



West Virginia Senate

Committee on the Judiciary

Minutes for MARCH 23, 2021, 3:15 PM

Pursuant to the call of the Chair, the Senate Committee on the Judiciary met on March 23, 2021, 3:15 PM in Room 208-W.

Members present: Senators Trump, Weld, Azinger, Grady, Maynard, Phillips, Rucker, Smith, Stover, Takubo, Woodrum, Beach, Caputo, Lindsay, Romano, Woelfel

Members absent: Senator Blair

A silent roll call being taken, the presence of a quorum was established.

On motion of Senator Weld, the minutes of the previous meeting were approved.

S. JR. 1 - Protection of the Right to Bear Arms Amendment.

Tom Smith, Chief Counsel, explained the bill, the purpose of the proposed committee substitute, and responded to questions.

Senator Romano moved to postpone the resolution indefinitely. The same was put and rejected.

After having moved to change the joint resolution into a bill, Senator Romano requested a ruling of the Chairman, as to whether or not a motion to change a joint resolution into a bill would be in order.

Without objection, the resolution was moved to the foot of the agenda.

ORG SCR#1 – Urging Congress and the President to not infringe on the second amendment.

Amber Wooten, Intern, explained the resolution and responded to questions.

On motion of Senator Weld, the committee agreed to the originating resolution.

On motion of Senator Weld, the committee reported the originating resolution to the full Senate with the recommendation it be adopted.

[NOTE: Senator Beach voted no.]

S. B. 458 - Relating to possession of firearms by individuals during state of emergency.

Tom Smith, Counsel, explained the bill, the purpose of the proposed committee substitute, and responded to questions.

Counsel amended the committee substitute on page 1, paragraph (A), line 13, by striking “or political subdivision” and inserting “a county, or municipality”.

On motion of Senator Weld, the committee agreed to the committee substitute, as amended.

On motion of Senator Weld, the committee reported the committee substitute to the full Senate with the recommendation that it do pass.

S. B. 419 - Redefining "firearm" to match federal code.

Tom Smith, Counsel, explained the bill, the purpose of the proposed committee substitute, and responded to questions.

With leave of the committee, Arthur Thomm, West Virginia NRA membership, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

On motion of Senator Weld, the committee agreed to the committee substitute.

On motion of Senator Weld, the committee reported the committee substitute to the full Senate with the recommendation that it do pass.

The committee returned to consideration of **S. JR. 1.**

Chairman Trump ruled that the motion to change the joint resolution into a bill was not in order under Clause 7, Rule XVI of the Rules of the U.S. House of Representatives, which states, in part: “In order to be germane, an amendment must not only have the same end as the matter sought to be amended, but must contemplate a method of achieving that end that is closely allied to the method encompassed in the bill or other matter sought to be amended ... However, an amendment to accomplish a similar purpose by an unrelated method not contemplated by the bill

is not germane. Thus, the following are not germane ... to a proposition changing congressional budget procedures to require consideration of balanced budgets, an amendment changing concurrent resolutions on the budget to joint resolutions, thereby bringing executive enforcement mechanisms into play...".

On motion of Senator Weld, the committee agreed to the committee substitute.

On motion of Senator Weld, the committee reported the committee substitute to the full Senate with the recommendation that it be adopted, but first be referred to the Committee on Finance.

Unanimous consent being granted, Chairman Trump will request the second committee reference be dispensed for both resolutions on the agenda.

On Motion of Senator Weld the committee adjourned.



Charles S. Trump
Chair



Beverly Douglas
Clerk/Analyst



The Senate of West Virginia

Testimony taken this 23rd day of March, 2021, in
the Senate Committee on the Judiciary.

"I solemnly swear (or affirm) that the testimony I shall give shall be
the truth, the whole truth, and nothing but the truth, so help me
God."

Arthur Thomas II

Print Witness Name

[Signature]

Sign Witness Name

Oath was administered by:

Charles S. Trump

Print Member Name

Charles S. Trump

Sign Member Name